

**SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
(PUBLIC HEARING – ARENA OVERLAY ZONING DISTRICT)**

December 9, 2002

7:00 PM

In the absence of Mayor Baines, Chairman O’Neil called the meeting to order.

Chairman O’Neil called for the Pledge of Allegiance, this function being led by Alderman Gatsas.

A moment of silent prayer was observed.

The Clerk called the roll. There were ten Aldermen present.

Present: Aldermen Gatsas, Sysyn, Osborne, Pinard, O’Neil, Lopez, Shea,
DeVries, Thibault and Forest

Absent: Aldermen Wihby, Guinta, Garrity and Smith

Chairman O’Neil advised that the purpose of the special meeting was to hear those wishing to speak in favor of or in opposition to proposed Zoning Ordinance changes; that the Clerk will present the proposed Zoning Ordinance changes for discussion at which time those wishing to speak in favor will be heard, followed by those wishing to speak in opposition; that anyone wishing to speak must first step to the nearest microphone when recognized and recite his/her name and address in a clear, loud voice for the record; that each person will be given only one opportunity to speak; and any questions must be directed to the Chair.

The Clerk presented the proposed Zoning Ordinance changes:

“Amending the Zoning Ordinance of the City of Manchester by adding a new
Arena Overlay Zoning District.”

Chairman O’Neil requested Robert MacKenzie, Director of Planning & Community Development, make a presentation.

Mr. MacKenzie stated I am only going to have a very brief presentation, the Board has seen much of this presentation, so I did shorten it down, I did want to give a little flavor of some of the planning that's gone on behind it and then I'm going to discuss in a little bit more detail the actual zoning provisions that are proposed. But, my presentation shouldn't be longer than ten minutes. As the Board may remember we were requested to look at what some of the opportunities were around the arena. The arena has been very successful in attracting people to the City, in fact, it had in its first nine months of operation the 17th highest attendance of any arena in the world. So, the amount of people coming into this City related to the arena has been significant that can directly spin off into significant private investment around the arena and that is what we have been trying to look for...additional investment, ways that we could maximize the use of the properties for both the City and for the property owners in this area. Just to give you a brief flavor I will not go into all three of the districts that we have discussed in the past. The three districts are: the Commons to the north of the arena, the Gaslight District to the west and the Warehouse District to the south of the arena. I did just want to give an idea of what we are looking at in terms of potential. For example, the Gaslight District which has many great turn-of-the century commercial buildings, we think, has a lot of potential for small shops, restaurants, some office, some housing as well as entertainment and in particular we think in the Gaslight District eventually we will see in the central portion of that entertainment, nightclubs, comedy clubs being developed. Many of the buildings are contributing to the character and as we see it as these buildings are developed...this for example is West Depot Street...as the buildings develop and gain additional character they will attract more and more people from the arena area as well as significant investment. There are some important principles that we follow through our planning program as well as what we're proposing in our zoning changes tonight and I just wanted to run down through these quickly. One is to make sure that when people come to the arena it's not just an arena experience, but it's a Manchester experience. They come, have a good time, they go out to restaurants, they may be looking in a couple of shops, they go to the arena and maybe stop at a comedy club afterwards. And, we think this is possible. Secondly, we have to create additional places to go and things to do from restaurants to specialty shops, perhaps movie theatres and other things that can build on what we've able to attain with the arena. Third, is we want to encourage mixed use. We have seen the Amoskeag Millyard become more of a mixed-use development. We think this area as well can become more mixed use. Mixed use means pretty much anything from small manufacturing uses, retail, commercial, restaurants, housing, and hotels. We also think it's important, the fourth bullet is to upgrade the visual appeal and design standards and this is both to attract people from the arena into these districts but also to assure those who may be wanting to investment millions of dollars that their investment will be protected. The next bullet is to make the area pedestrian friendly. If we really want people coming out of the arena and going across the street to the Gaslight District we'll have to make it friendly for them to cross the street. If they're going to walk down towards the Warehouse District on South Elm it has to be friendly for them to do so. And, that's essentially what malls do.

When they design a mall they design it specifically to make it friendly to pedestrians. And, lastly, preserve the historical and environmental integrity of the area. There are some great areas particularly in the Gaslight District that if revamped and rehabilitated can be a real asset to the City. Next I wanted to show you the proposed boundaries of the Overlay District. The main street (Elm Street) is located right here, the proposed district on the northerly end would be Merrimack Street, southerly Merrimack Street and Pleasant Street, the western boundary would be the railroad tracks down to where the tracks cross under elm Street then up Willow Street and up Chestnut Street. So, it includes everything west of Chestnut Street, south of Merrimack, east to the railroad tracks and north of the intersection of the tracks and Elm Street. In a little bit, I will be discussing the fact that we're recommending at this point after meeting with certain people that the area south of Valley Street...we're going to recommend that that not be included for now in the Overlay District, but I will get to that in just a minute. The basics of the Overlay District come in four areas and really these relate to the guiding design principles and what we think will be important for reinvestment in the area. We have had a lot of interest in reinvestment, it sometimes takes time for investors to come in and do work, but we have had a surprising amount of interest in Manchester from all kinds of companies both local and national...interested in the City. In preparing this ordinance we looked at how we did it with the Millyard. Back in 1994, the Millyard was zoned industrial. We saw that the future lay in a mixed-use development, we proposed changes that we tailored the uses specifically for the Millyard and we put design controls on it. At that time, the Millyard was less than half full. There was concern though, some of the property owners were concerned about the proposed regulations, we tried to work with those property owners, show them the long-term potential and I think that was when the Millyard basically started to turn around...that and some investment the City did in the Millyard and today of the occupied buildings occupancy is up to 90%. There's been a significant improvement in the Millyard area, but the specific changes we are proposing first in relation to uses...in this area we are proposing that certain uses be allowed such as specific types of residential, but that certain uses not be allowed and generally those relate to uses that might be too auto intensive and create issues with pedestrian or make pedestrian conflicts. The second one is to design a Design Review District and basically this is patterned after the same approach we took in the Millyard, it would be basically using the same Design Review Board that's worked for the last nine years to encourage better development and when people are investing in the buildings they bring the buildings to a higher standard. The next is to limit surface parking in the pedestrian intense areas and we think that's important particularly on Elm Street, Lake Avenue, Old Granite Street...if you have large parking lots people are not going to walk by those. We've learned that from experience in other cities that you have to keep and interest, you have to keep uses there that people will walk to and large parking lots discourage people from walking. And, lastly, we want to put some more control on signs. Right now, there are billboards in the area, significant billboards. We think that the future is if we can control these, make them more esthetic that it will make the entire area more attractive. Now, I did want to note that several of the uses that might not be allowed under this ordinance would

become non-conforming uses. For example, billboards...but because they become non-conforming that does not, in any way, attempt to kick them out, they may continue to use those, they can use the billboards, they can use the uses that they're proposing, they can sell the billboards or uses, they can even expand, they can expand up to 25%. So, if you had an auto intensive business they could continue their business, sell it or they could expand up to 25%. I mentioned before that we had a few changes that we wanted to put before the Board tonight and have the Committee on Bills on Second Reading consider. This is after discussions with several of the property owners in the area. The first is that we would recommend that the proposed overlay be eliminated for south of Valley Street...that area is somewhat distant from the arena and it is fairly/heavily occupied by auto uses currently. I think eventually the uses or the potential development in the area may extend to that area, but I think we'd like to work with the property owners in that area a little bit more first. Secondly, is we'd like to add a new class that's allowed in this overlay and it would be small scale assembly, fabrication and craftsmen businesses with no outside storage or machinery permitted. In essence, there are a lot of new small businesses that are popping up in cities including our City that are, for example, fabrication of kitchen cabinets and sometimes they actually like to sell retail. So, those are uses we actually want to encourage in this area. The next category we'd like to include would be artisan lofts and those would be lofts that would allow both living and working facilities in the same unit for the craftsman or the artisans and lastly we'd like to allow multi-family dwellings, by right, in the arena area. Currently, they're allowed by CU which is Conditional Use Permit, but that means they have to go to the Planning Board first. We think they'll be a demand for residential in this area and we're recommending that it be allowed by right in the Overlay District. And, that concludes my presentation. My staff will be available later particularly to the committee to assist the committee in review. I'd be happy to answer any questions, we also have staff here tonight with other publications in case the general public and including the general public on television would like copies of any of the plans or the Overlay Zoning District we'd be happy to provide that and one of our staff Meena Gyawali is here tonight with copies of that should the general public like those. At this point that concludes my presentation, Mr. Chairman.

Chairman O'Neil called for those wishing to speak in favor.

Bill Larkins, 245 Carnegie Street, Manchester, NH, stated:

Thank you for allowing me to speak. I'd like to say that I'm in favor of this because I consider this a historic proposal for the City; that I think this Overlay District is an important step in redefining the trajectory of the development style that we have in the City and rather than continuing to develop around only the cars of getting from here to there that we'll find that it has limitations and serious dilatory effects to stay centered only around the car. A mix of uses designing out a pedestrian scale or the aesthetic standards to attract businesses, residents and consumers into these districts will have the combined effect, I think, of improving the property values in those areas and the surrounding neighborhoods of which

I'm now property owner of one place in the Amoskeag Corporate Housing District and it will reduce the negative impact of large scale development in those areas because of all of the cross fertilization within that Overlay District. This proposal is an important and bold step to take the development standards that the City will hold development to toward the models that have success in other cities such as Portland, Oregon, Boston, Mass, and Providence, Rhode Island. You can compare the success of those cities in defining a new type of quality of life compared to Detroit, Houston and Atlanta. I hope that if this change is passed we will learn from the successful aspects of it and apply these principles to other areas of the City such as Webster Street, the Squog Neighborhood over on the other side of Granite Street Bridge and other B-1's and B-2's throughout the City and I think this is a first step, not the last step in trying to figure out how we design our standards to bring the City back to people on foot. One cautionary note I'd have is I am concerned about the extension of the Granite Street widening from Canal Street all the way up to Elm Street, we should be very careful that the engineering that's done there does not break north of Granite Street, from south of Granite Street much like Bridge has become a pedestrian desert, it causes people to stop right at the Fleet Bank and not go much further. We don't want to have that occur again at Granite Street. In summary, I think that this is the trend that you'll find in urban design throughout the country. I've been reading on this, I've been studying it and I think it's beginning to merge throughout other cities that we are redefining in this direction. While it has some retro elements this overlay integrates historic principles with a proactive, modern understanding of the benefits of some of those old standards. Thank you for your time.

Ben Gamache, 26 Trenton Street, Manchester, NH, stated:

I'm representing 21 West Auburn Street which is also known as the Manchester Mills. I just want to say that I am in favor and I think that it's a good idea that the City takes upon themselves to bring this about and I think it would help the City grow. So, I just want to be on record with that.

Chairman O'Neil called for those wishing to speak in opposition.

Ronald Myslivy, 773 Back Mountain Road, Goffstown, NH, stated:

I represent the building at 31 Auburn Street currently in use for Rockingham Ambulance and I also have the Yankee Service Center there. I don't know enough about this as I can see there's more talk going on than I have information to pass on, but while I have you here there is one thing I would like to bring up. In the cemetery there is a smell every summer and it's atrocious. I see heads shaking, so you do understand what I'm talking about and I know what's going on here is going to be great, it will be great for the City of Manchester, but please if you could look into that smell.

Atty. Richard Joyal, 179 Elm Street, Manchester, NH, stated:

I'm here on behalf of ACL Industry at 179 Elm Street and this evening after we signed up we received the suggested changes and evidently the concerns that we had will not apply south of Valley Street, however, in a general sense my client did want to go on record as opposing the idea. Not because it's a bad idea but it seems to be focused in the wrong location. The buildings, the structures, the way they're arranged, the width of the street, the types of uses that are there, the tenancies that have developed since the redevelopment area itself was first suggested, the investment in the commercial uses that exist today are all incompatible with the rather romantic notion on a quaint district where pedestrians can wander and visit shops, restaurants and the like. It would be one thing if the buildings and the physical plants and actual arrangements of things there were different, but the way they exist today it would appear that you would have to either tear down or substantially modify most everything south of the Verizon Center and in the area where this overlay exists. And, the secondary concern that my client wants to articulate is that once these types of restrictions begin to take effect they tend to have a momentum and people who are there lawfully and who have lawfully conducted their business and invested substantial amounts of money find that they can't do the things that they reasonably expected to do when they first purchases, invested and improved the properties that they're in to. The bureaucracy tends to restrict, to deny and not to permit anything that isn't consistent with the overlay itself. The overlay essentially and fundamentally seems to be at odds with the redevelopment area that currently sits there as if you were trying to fit the proverbial square peg in the round hole and thank you for taking this into consideration tonight.

Ronald Fournier, 47 Hardy Road, Bedford, NH, stated:

I represent 205 and 235 Elm Street and 434 Willow Street. Before I came to the meeting tonight I was opposed to the whole thing, but the changes that they made for Valley Street (south) included me and my property...I'm in favor of that...I am kind of against the Overlay District somewhat, but I agree that Manchester needs to be done...something needs to be done to clean up Elm Street and to get the stores and clubs and everything to make it more people friendly downtown. I don't know what else I want to say, but just move slowly, that's all I can ask. Thank you.

Victor W. Dahar, 20 Merrimack Street, Manchester, NH, stated:

I'm representing the property at 20 Merrimack Street which is right in this district and I'm also representing a property I own at 485 Elm Street which is about better than a block away from the Civic Center. The only reason I'm concerned or opposed to this overlay or the plan as submitted. First of all, I received notice of this I guess in the mail...it was mailed to be November 19th, so I must have got it about November 20th, so from my perspective apparently the work that has gone into this plan has been going on for quite some time, unknown to me. There was no publicity about it, I had no input, I hear this evening that some of the building owners have approached the Building Department and they have been

having some conversations with them, but it seems to me that if anything like this was going to take place which seems to be quite a project that at least there would be some input with the property owners at the inception of the so-called plan, not when it's already finalized and appears to be like a done deal. I'm opposed basically because it imposes another layer of restrictions. Right now, when you read the newspaper there's been a lot of talk about the Planning Board or the Board of Adjustment and the difficulty that people have had in commercial areas when they're trying to develop...a committee sits and rules and it takes a long time to get the project through, it becomes expensive and this appears to be just another layer of committees that are going to oversee everything that's being done and places more restrictions on property owners and from my perspective I may be a landlord, but I have a tenant and I'm concerned to be able to continue to rent my property without having to have any overlay restrictions imposed on any potential tenant and basically that is why I'm in opposition to this so-called overlay or this amendment which amounts to just changing the zoning completely. I notice here it says "medical and dental laboratories" are not permitted in the area. Well, what's wrong with a medical or a dental lab, if you want a friendly area medical and dental labs don't create problems and I can look right through this whole list of so-called conditional uses or non-permitted uses, so I think it's just a matter of a committee taking over a whole section around the Civic Center and wanting to control it and contain all kinds of restrictions and on that basis I am in opposition to it.

Steve VanDerBeken, 92 Pennsylvania Avenue, Manchester, NH, stated:

I am one of the co-owners of the building at 516 Elm Street known as Sound Service. We (with Roger Klene) own the property and renovated it approximately 14 years ago, we employ about 14 people there. I'm speaking opposed to the rezoning due to some of the reasons Atty. Dahar mentioned. First and foremost, with the new level of restrictions are a problem. I think anytime you restrict, add restrictions it adds costs, it deters people from possibly coming in and they are very time consuming. Therefore, it may be harder to deal with the property that you have and I've heard a little bit about the Overlay District, but I don't think anybody really knows what the future use there is going to be. So, why jump the gun at this point in time and rezone the whole thing. As I read down the list of the non-conforming businesses...there are a number of us there that are non-conforming businesses. I guess that would be a problem for me after being there so long and paying a lot of taxes and employing a lot of people. Another main issue for me is the parking...it says here "surface parking shall not be allowed in the front yard of any building". Well, we're fairly fortunate we have drive-in parking and that's a value to us, it's a value to my business, it's a value to anybody I think that would want to come in after us and it would be a value if I wanted to change the business there, change it or whatever. I'm not sure that I would want to go through a few layers of hierarchy to get things changed so that we could do something later on. My opinion is that the parking issue for some of us in the area is sort of a conflict of interest with the City...you have the power to change it, I don't. We have been there for a long time and we're using what we have...people park there for our business and we park cars for the Verizon as well. Basically, I appreciate the opportunity to speak to you, but also

I echo Atty. Dahar's feeling that some other businesses were approached and talked to we haven't been involved in any of that and it would be nice if there was some input and I think the restrictions...since we really don't know what's going to end up there are probably prohibitive and I would be against that. Thank you very much.

Bob Shaw, 172 Arah Street, Manchester, NH, stated:

The last time I was here was probably in 1988. I came here tonight...it's kind of unusual for me to even go to a public hearing at all, but it bothered me a great deal that the City is concentrated on what should be developed in the south part of Manchester close to the Verizon Center. First, is what is the real problem that faces the Board of Aldermen and the citizens of the City of Manchester today and the fact is that what we lack in this City is affordable housing for people who work in the businesses that we want in this City providing more and more outlets for beer, wine, girly shows, the whole bit is not what is wrong with this City. What is wrong has never been faced by the Aldermen of this Board since 1986 when a few of your Aldermen decided that we would build elderly housing in the City of Manchester in order to alleviate the problem the people were facing by high rents. So, we built 100 units of housing in the Elliot Hospital area of the City. This reduced a number of people who were in apartments, therefore, creating more apartments for people who worked in the City. Since that year we haven't done diddly for the people of the City of Manchester. We sit here tonight, the Board of Aldermen, deciding whether because we made a mistake with the Verizon Center, we should now have beer joints just south of the Verizon Center. What we need in this City and the Aldermen should be in a joint meeting, a planning meeting of what is needed in the City of Manchester. Years ago when we had the Amoskeag Industry, the Industry decided not the City that it needed employees and it needed housing for those employees. It, as a unit, solved the problem. Well, now we've diversified and we don't have an Amoskeag Industry in the City of Manchester any longer. What we have is a Board of Aldermen that is supposed to function much like that Industry and solve the City's problems. You people sit here tonight deciding whether we should have more girly shows when the real problem of the City of Manchester is the livelihood of the people that are here. The fact that they can't live in this City any longer...the small businesses of this City cannot afford to pay the people to live in the City itself and that includes you as Aldermen who pay for police officers for school teachers and everything...this City has become so expensive that the people that we hire can no longer afford to live here and what do you do. You sit here at night, you look at the screen in a fancy room and you try to decide whether more girly shows are necessary. The *Union Leader* which I never, I can hardly tell you the number of times that I've agreed with this paper that says more flexible zoning, housing is the problem in the City of Manchester. It is not to make the Verizon Center more successful, it was supposed to be successful by itself. What we need in this City is housing, we need you to figure out how to provide housing for the citizens. Now, I don't favor and I'm going to tell you as a citizen from 172 Arah Street in the northend in a very expensive house that I can't afford, taxes that I shudder at, I can't afford to have you put multi-family housing in my neighborhood and destroy my neighborhood. But, what you could do in the City of

Manchester is provide more elderly housing. It's a way around the problem. By providing elderly housing you move people from apartments into the housing, they sell their houses, they move into these apartments and we could do this with taxpayer money paid for by bonds from the rent of the people who live in this housing. I hear that you'd like to build a baseball field and then what you're going to do is revenue bonds to build a baseball field, but the people in the City of Manchester don't need a baseball field, they don't need a special zone for girly shows and beer, what they need is housing. If you're going to use your bonding capacity, if you're going to use your Planning Department, if you're going to use your Zoning Department as the *Union Leader* claimed in today's thing then you must stop what you're doing now and concentrate on providing a better City for the citizens of Manchester. Now, I find and I look straight ahead and say wait a second this is a Planning Board or a public hearing for the citizens to be heard and the most important person in the City of Manchester is missing...I've never known that to happen before. Mayor Beaulieu, Mayor Dupuis, this other guy from '84 thru '87...they sat in this chair and they heard the citizens speak about what is needed in the City of Manchester. It's great that the Aldermen here listen to what we're saying, but there's something missing here. I looked at the Charter today and you might know that I'm on the Charter Commission and Section 3.06 is something you should go home and take this little red book and read...something is missing...something is missing in the Planning Department...something is mission in regard to what is necessary in the City of Manchester for the good of the citizens and from a citizen at 172 Arah Street I find something's missing. Thank you very much.

Chairman O'Neil advises that all wishing to speak having been heard, the testimony presented will be referred to the Committee on Bills on Second Reading to be taken under advisement with reports to be made to the Board of Mayor and Aldermen at a later date.

Chairman O'Neil advises this being a special meeting of the Board, no further business can be presented and on motion of Alderman Pinard, duly seconded by Alderman Forest, it was voted to adjourn.

A True Record. Attest.

City Clerk